

PROB 12A
(7/93)**UNITED STATES DISTRICT COURT**

for

WESTERN DISTRICT OF TEXAS**Report on Offender Under Supervision**

Name of Offender: Rafael Borrego Case Number: 5:20-CR-00497-XR

Name of Sentencing Judicial Officer: Honorable Janis Graham Jack, Senior United States District Judge

Date of Original Sentence: March 5, 2018

Original Offense: Transportation of an Undocumented Alien, in violation of Title 8 U.S.C.
§§1324(a)(I)(A)(ii) and 1324(a)(I)(A)(v)(II) and 1324 (a)(1)(B)(ii)

Original Sentence: Thirty (30) months imprisonment, three (3) years supervised release, and \$100 special
assessment

Type of Supervision: Supervised Release Date Supervision Commenced: March 13, 2020

PREVIOUS COURT ACTION

On September 03, 2020, a Court Order was signed by the Honorable Janis Graham Jack, in the Southern District of Texas – Corpus Christi Division, indefinitely postponing residential substance abuse treatment and counseling.

On October 28, 2020, jurisdiction was transferred from the Southern District of Texas – Corpus Christi Division to the Western District of Texas – San Antonio Division.

On July 7, 2021, a probation form 12A, Report on Offender Under Supervision, was submitted to the court advising that Mr. Borrego tested positive for Methamphetamine. Mr. Borrego was admitted to residential treatment.

NONCOMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	<p><u>Mandatory Condition No. 2:</u> You must not unlawfully possess a controlled substance.</p> <p><u>Mandatory Condition No. 3:</u> You must refrain from the unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.</p>

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On May 11, 2021, Mr. Borrego tested positive for methamphetamine. Additionally, the specimen was confirmed positive for methamphetamine by Alere Toxicology Services, Inc. *(This violation was initially reported to the Court via a Probation Form 12A on July 7, 2021.)*

On July 27, 2021, Mr. Borrego tested positive for methamphetamine; however, he entered residential treatment on the same date.

On January 10, 2022, Mr. Borrego tested positive for methamphetamine and signed an admission form admitting to using methamphetamine.

U.S. Probation Officer Action: Rafael Borrego has a criminal history category of III, a history of substance abuse to include marijuana, cocaine, and methamphetamine, and he currently attends substance abuse treatment through Lifetime Recovery Outpatient Services and AA/NA meetings. In addition, Mr. Borrego attends medication monitoring through the Center for Health Care Services, to address his mental health needs.

On July 27, 2021, due to Mr. Borrego's continued illegal drug use, he was admitted to the Lifetime Recovery residential treatment program. On October 25, 2021, Mr. Borrego completed treatment successfully; however, on January 10, 2022, tested positive for methamphetamine. At the time of Mr. Borrego's relapse, he was in the process of changing his mental health medication, which may have impacted his thoughts and behavior at the time.

Given Mr. Borrego's honest admission and his mental health status, it is recommended he be allowed to stabilize on his medication and address his relapse in outpatient substance abuse treatment with Lifetime Recovery. He has been made aware that any further violation would be reported to the Court, and he could face adverse action by the Court, to include revocation of his supervised release.

Approved:



Stephen L. Gray
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5331

Respectfully submitted,



Kimberley A. Turner
U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5351
Date: February 2, 2022

cc: Sarah Wannarka
Assistant U.S. Attorney

Brenda Trejo-Olivarri
Assistant Deputy Chief U.S. Probation Officer

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☒ Approved as submitted.

☐ Submit a Request for Modifying the Condition or Term of Supervision

☐ Submit a Request for Warrant or Summons

☐ Other _____



Honorable Xavier Rodriguez
U.S. District Judge

February 3, 2022

Date